

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA
ex rel. MICHAEL ANDREW HARRINGTON,

Plaintiff,

V.

ART INSTITUTES INTERNATIONAL LLC,
ART INSTITUTE OF HOUSTON LLC,
DC ART INSTITUTE OF HOUSTON, LLC, &
STUDIO ENTERPRISE LLC

Defendants.

[illegible]

Civ. No. 4:20-cv-02445

JURY DEMANDED

MOTION TO WITHDRAW AS COUNSEL

NOW COME Movants LAWRENCE MORALES II, ALLISON SARAH HARTRY, and THE MORALES FIRM, P.C., attorneys of record for Plaintiff MICHAEL ANDREW HARRINGTON, and file this Motion to Withdraw and in support thereof would show the following:

Lawrence Morales II, Allison Sarah Hartry, and The Morales Firm, PC (“Attorneys”) hereby respectfully request that this Honorable Court allow their withdrawal from the representation of Plaintiff for the following reasons:

- A. Irreconcilable conflict and differences have arisen between Attorneys and Plaintiff regarding the manner and or objectives of the prosecution of this civil action;
- B. Rule 1.15(b), Tex. Disc. R. of Prof. Conduct, states that a lawyer shall not withdraw from representing a client unless:
- “(4) a client insists upon pursuing an objective . . . with which the lawyer has fundamental disagreement; [or]
- (6) the representation . . . has been rendered unreasonably difficult by the client.”

- C. Continued legal representation of Plaintiff by Attorneys will run afoul of said rules; and
- D. As a result of the attorney-client privilege, Attorneys cannot elaborate on the substantive nature of the conflict and disagreement. However, Attorneys assure the Court that they do not make this Motion lightly. Counsel would be happy to submit an *in camera* affidavit discussing the reasons for this Motion in more detail or appear before the Court *in camera* in person or over the telephone so that the attorney-client privilege is preserved. *See, e.g., Energytec, Inc. v. Proctor*, Civil Action No. 3:06-CV-871-L, 2007 U.S. Dist. LEXIS 97473, at *6 (N.D. Tex. 2007) (reviewing attorney-client documents in camera to preserve privilege in deciding motion to withdraw as counsel).

As of the date of this Motion, the undersigned counsel has not been contacted by any other attorney to substitute as Plaintiff's counsel. Since the successor attorney is not known, the following information is set forth:

Client's Name:	Michael Andrew Harrington
Address:	Hartford, Connecticut
Phone:	212-203-2303
Email:	mikesanramon@live.com

A copy of a draft of this motion, not including the Certificates of Conference and Certificate of Service, was delivered by email to Plaintiff and Plaintiff confirmed receipt. Plaintiff has been notified in writing of his right to object to this motion upon its filing. Plaintiff has also had the opportunity to discuss this motion and related issues with Ms. Hartry and Mr. Morales.

The Court has not entered a Scheduling Order in this case yet. Defendants have filed a Motion to Dismiss on November 4, 2020, with a motion docket date of November 25, 2020. Counsel for Plaintiff have responded to this Motion in full. *See* (Dkt. No. 12).

Ms. Hartry, Mr. Morales, and The Morales Firm, PC are committed to representing Mr. Harrington competently and diligently, and they will continue to do so until and unless the Court grants this Motion.

The Motion to Withdraw is not sought for the purposes of delay, but so that justice may be done.

Wherefore, Premises Considered, Movants LAWRENCE MORALES II, ALLISON SARAH HARTRY, and THE MORALES FIRM, P.C. respectfully request that the Court find good cause exists for withdrawal; grant their Motion to Withdraw as Counsel of Record; and such other and further relief that Movants may show themselves justly entitled.

Respectfully submitted,

/s/ Allison Sarah Hartry
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE WITH CLIENT

I hereby certify that on November 5, November 6, November 8, November 9, and November 11, I have conferred or attempted to confer with Plaintiff Michael Andrew Harrington regarding the contents of this Motion and its request relief. I further certify that I have informed Mr. Harrington about the pending settings and deadlines and informed him that he has a right to object to this Motion. I have provided him with a copy of the Local Rules for the Southern District of Texas and the Federal Rules of Civil Procedure. I have informed him that, upon his request, I will file on his behalf with the Court any objection he may have in response to this Motion. Mr. Harrington has had several opportunities to discuss this requested relief with Mr. Morales and with me. I have informed Mr. Harrington that I will give him, or any attorney he hires to represent him in the future, a complete electronic copy of his file if the Court grants this Motion.

I further certify that Mr. Harrington has not provided me with any position on the relief requested in this Motion. As such, I am marking this Motion as Opposed.

/s/ Allison S. Hartry
Allison S. Hartry

CERTIFICATE OF CONFERENCE WITH OPPOSING COUNSEL

I hereby certify that on November 13, 2020, I conferred with counsel Theanna Bezney, who informed me that Defendants The Arts Institutes International, LLC and Art Institute of Houston, LLC dba DC Art Institute of Houston, LLC are unopposed to the relief requested in this Motion.

/s/ Allison S. Hartry
Allison S. Hartry

CERTIFICATE OF CONFERENCE WITH UNITED STATES

I hereby certify that on November 12, 2020, I conferred with counsel for the United States, Ken Shaitelman, who informed me that the United States takes no position on the relief requested in this Motion.

/s/ Allison S. Hartry
Allison S. Hartry

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2020, I served the foregoing instrument on admitted counsel of record via the Court's CM/ECF system. I also served the foregoing instruction on Mr. Harrington by email on November 13, 2020.

/s/ Allison S. Hartry
Allison S. Hartry